



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for April 3, 2002, to Consider Reimbursement Agreement #RA-02-01 for Public Improvements for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850

MEETING DATE: March 6, 2002

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council set a Public Hearing for April 3, 2002, to consider Reimbursement Agreement #RA-02-01 for Public Improvements for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850.

BACKGROUND INFORMATION: The Richards Ranch subdivision is located west of and adjacent to Cherokee Lane, north of Harney Lane, south of the existing Johnson Ranch development and is adjacent to a future school/park site on the west. The Thayer Ranch subdivision is immediately west of the Richards Ranch subdivision, south of the future school/park site and north of Harney Lane. The subdivision locations are shown on Exhibit 1.

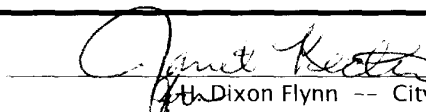
Although the developments had separate tentative and final subdivision maps, the developer, Park Place Development, LLC (R. Thomas Development and Tokay Development, Members) constructed the subdivisions as one project. Subdivision improvements included all public improvements within the subdivision boundaries as well as the northerly extension of Bluejay Way, the extension of water, wastewater and storm drain lines through adjacent parcels to the west to Stockton Street, and the installation of street frontage improvements along the future school/park site on Bluejay Way and Culbertson Drive. Portions of the public improvements installed by the developer benefit the future park and school sites and neighboring properties hereafter identified as Arcadia Place (APN 062-290-31), the Neuschaeffer Property (APN 062-290-17), and Miller Property (APN 062-290-14 and 37 and APN 062-290-38). The benefiting properties are shown in Exhibit 1.

The developer has requested a Reimbursement Agreement and establishment of an area of benefit in conformance with Chapter 16.40 of the Lodi Municipal Code (LMC) for those improvements that benefit the neighboring properties. Reimbursement to the developer for the improvements for the properties owned by the City (park site) and Lodi Unified School District (LUSD) was accomplished during the construction of the subdivision and those properties are not included in the area of benefit.

The property owners within the area of benefit have been notified. The developer has paid the appropriate application fee and the fees to cover the cost of recording the Reimbursement Agreement. A copy of the Reimbursement Agreement, including itemized costs for the reimbursable improvements, is attached as Exhibit 2.

In conformance with LMC Section 16.40, staff recommends that Council set a public hearing to establish an area of benefit and reimbursable costs to recover the cost of public improvements benefiting the parcels known as Arcadia Place (APN 062-290-31), the Neuschaeffer Property (APN 062-290-17), and the Miller Property (APN 062-290-14 and 37 and APN 062-290-38). The reimbursable costs for each property are shown on Exhibit B1 and B2 of the attached Reimbursement Agreement.

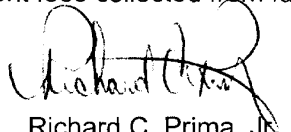
APPROVED:


Janet Keaton -- City Manager

Set Public Hearing for April 3, 2002, to Consider Reimbursement Agreement #RA-02-01 for
Public Improvements for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850
March 6, 2002
Page 2

Pursuant to LMC Section 16.40.50.A.3, the reimbursable amount shall be recalculated annually to include an amount attributable to interest using the Engineering News Record (ENR) 20 Cities Construction Cost Index. Similar adjustments to the reimbursable costs will be made each January until payment is received. In the event that the benefiting properties shown on Exhibit 1 develop, the City will collect the appropriate amounts from the developers of the benefiting property and reimburse the developer. The charges for a benefiting property shall be paid in full at the time of the first development on that property.

FUNDING: Applicant fees and reimbursement fees collected from future development.



Richard C. Prima, Jr.
Public Works Director

Prepared by: Sharon A. Welch, Senior Civil Engineer
SNG & Associates Inc.

RCP/SAW/SNG/

Attachments

cc: Senior Civil Engineer – Development Services
Park Place Development
Lodi Building Partners III, L. P.
Donald and Nancy Miller
Robert Neuschaeffer, et al



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT 1

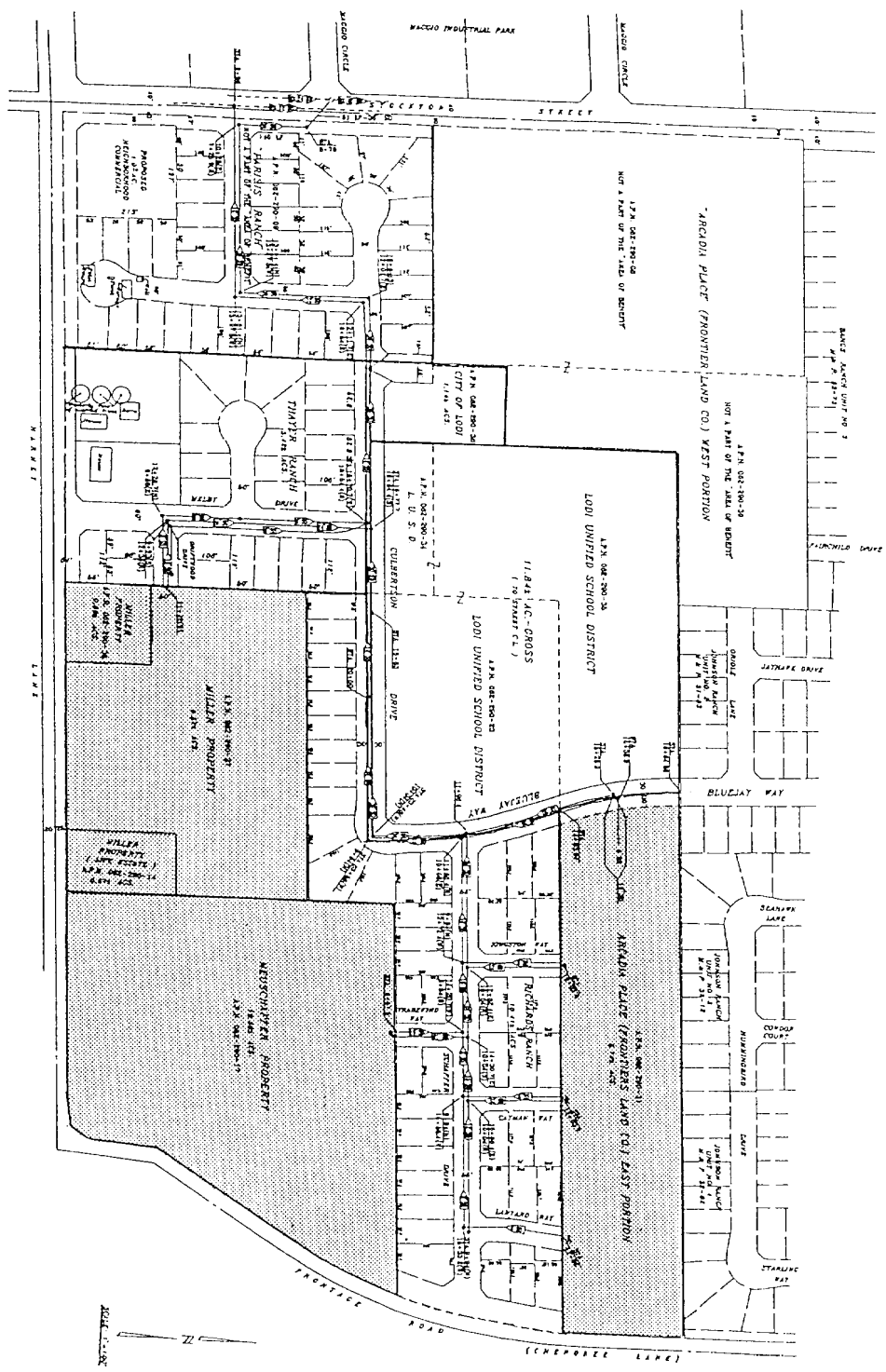


EXHIBIT 2

WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

REIMBURSEMENT for PUBLIC IMPROVEMENTS

RICHARDS RANCH, TRACT NO. 2636 AND THAYER RANCH, TRACT NO. 2850

AGREEMENT # RA-02-01

THIS AGREEMENT is made by and between the CITY OF LODI, hereinafter referred to as "City", and PARK PLACE DEVELOPMENT, L.L.C., a California Limited Liability Company, hereinafter referred to as "Applicant".

RECITALS:

WHEREAS, Applicant is the developer of those subdivisions titled Richards Ranch and Thayer Ranch, generally located west of Cherokee Lane and north of Harney Lane, and has entered into an Improvement Agreement with the City dated October 4, 2000, to construct public improvements needed to serve the development, and

WHEREAS, the Applicant has constructed certain public improvements (hereinafter "Improvements"), which include installation of asphalt concrete pavement, concrete curb, gutter, and sidewalk, water pipe, wastewater pipe, storm drain pipe, and other miscellaneous and related items, that will serve additional properties that are designated and shown on the plan attached and labeled Exhibit A to this agreement and indicated thereon; and

WHEREAS, the Applicant has filed a request with the Public Works Director in conformance with Chapter 16.40 of the Lodi Municipal Code requesting reimbursement for those improvements which benefit other properties or would be required of those properties upon development, and

WHEREAS, the property owners of those properties shown in Exhibit A have been notified and the City Council has conducted a public hearing regarding the Applicant's request for reimbursement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained and pursuant to Government Code Sections 66485 through 66489 and Title 16 of the Lodi Municipal Code, it is hereby agreed between the parties as follows:

1. The amount of the reimbursable costs due to the Applicant includes construction costs less any applicable credits plus ten percent (10%) for administrative and engineering design costs, engineering plan check fees (1.5%), engineering inspection fees (2.5%) and the reimbursement application fee (1%). The consultant fee incurred by the City in conjunction with the preparation of the reimbursement agreement is reimbursable to the City. All reimbursable costs are shown in attached Exhibits B1 and B2.

2. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. On uncollected reimbursements, the reimbursement rates shall be calculated in January of each year beginning January 2003 by the following formula:

$$(\text{ENR Jan. 1 of current year}) \div (\text{initial ENR}) \times (\text{Balance due Jan. 1 of prior year less payments made during the previous year})$$

The initial ENR index for this agreement is 6462. The initial reimbursable amounts are listed below and itemized on Exhibits B1 and B2.

RICHARDS RANCH

Storm Drain Extension	\$ 27,777.00
Sanitary Sewer Main Extension	\$ 7,776.13
Water Main Extension	\$ 5,572.00
Street System	<u>\$ 13,017.90</u>
Sub Total	\$ 54,143.03
10% Engineering and Administration Fee	\$ 5,414.31
Engineering Plan Check Fee (1.5%)	\$ 812.14
Engineering Inspection Fee (2.5%)	\$ 1,353.57
Reimbursement Application Fee (1%)	\$ 541.43
Consultant Fee (SNG Associates)	<u>\$ 6,220.18 *</u>
Total	\$ 68,484.67

* Reimbursable to City

THAYER RANCH

Storm Drain Extension	\$ 6,109.00
Sanitary Sewer Main Extension	<u>\$ 8,512.84</u>
Sub Total	\$ 14,621.84
10% Engineering and Administration fee	\$ 1,462.19
Engineering Plan Check Fee (1.5%)	\$ 219.33
Engineering Inspection Fee (2.5%)	\$ 365.55
Reimbursement Application Fee (1%)	\$ 146.23
Consultant Fee (SNG Associates)	<u>\$ 1,679.82 *</u>
Total	\$ 18,494.96

* Reimbursable to City

TOTAL REIMBURSABLE COSTS \$ 86,979.63

3. In the event that the benefiting properties shown on Exhibit A develop, the City shall collect the appropriate charges from the developers of the benefiting property and reimburse the Applicant or the Applicant's heirs, successors or assigns and the City for a period of fifteen (15) years. The charges for a benefiting property shall be paid in full at the time of the first development on that property.

4. The Applicant shall pay the City \$687.65 for the preparation of this agreement prior to approval and recording of this agreement. This fee is based on one percent (1%) of the reimbursable construction costs, excluding engineering, administrative and other costs.
5. Upon each collection of reimbursement charges, the portion of the reimbursement charges attributed to the Consultant Fee shall be reimbursed to the City and an administrative charge shall be deducted from the reimbursement due the Applicant and retained by the City for administering the reimbursement provisions of this agreement. The administrative charge shall be established from time to time by resolution of the City Council. As of the date of this agreement, the current administrative charge is \$60.00.
6. This agreement shall inure to the benefit of the heirs, successors and assigns of the Applicant. The City shall mail the reimbursement to the last address of the Applicant on file with the Public Works Director of the City. In the event a reimbursement is returned or unclaimed after two (2) years from the date of mailing, the amount of the reimbursement shall revert to the City and be deposited in the appropriate development impact mitigation fee fund.
7. All correspondence and payments herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Correspondence and payments to City shall be addressed as follows:

Public Works Director
221 West Pine Street
P. O. Box 3006
Lodi, CA 95241-1910

Correspondence and payments to Applicant shall be addressed as follows:

Park Place Development, L.L.C.
P.O. Box 1598
Lodi, CA 95241

8. This agreement is entered into pursuant to the provisions of Title 16 of the Lodi Municipal Code and the provisions of that section shall be deemed a part of this agreement.

IN WITNESS WHEREOF, the Applicant and the City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

PARK PLACE DEVELOPMENTS, LLC

Date

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____

H. Dixon Flynn, City Manager

Date

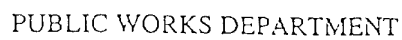
ATTEST:

Susan J. Blackston, City Clerk

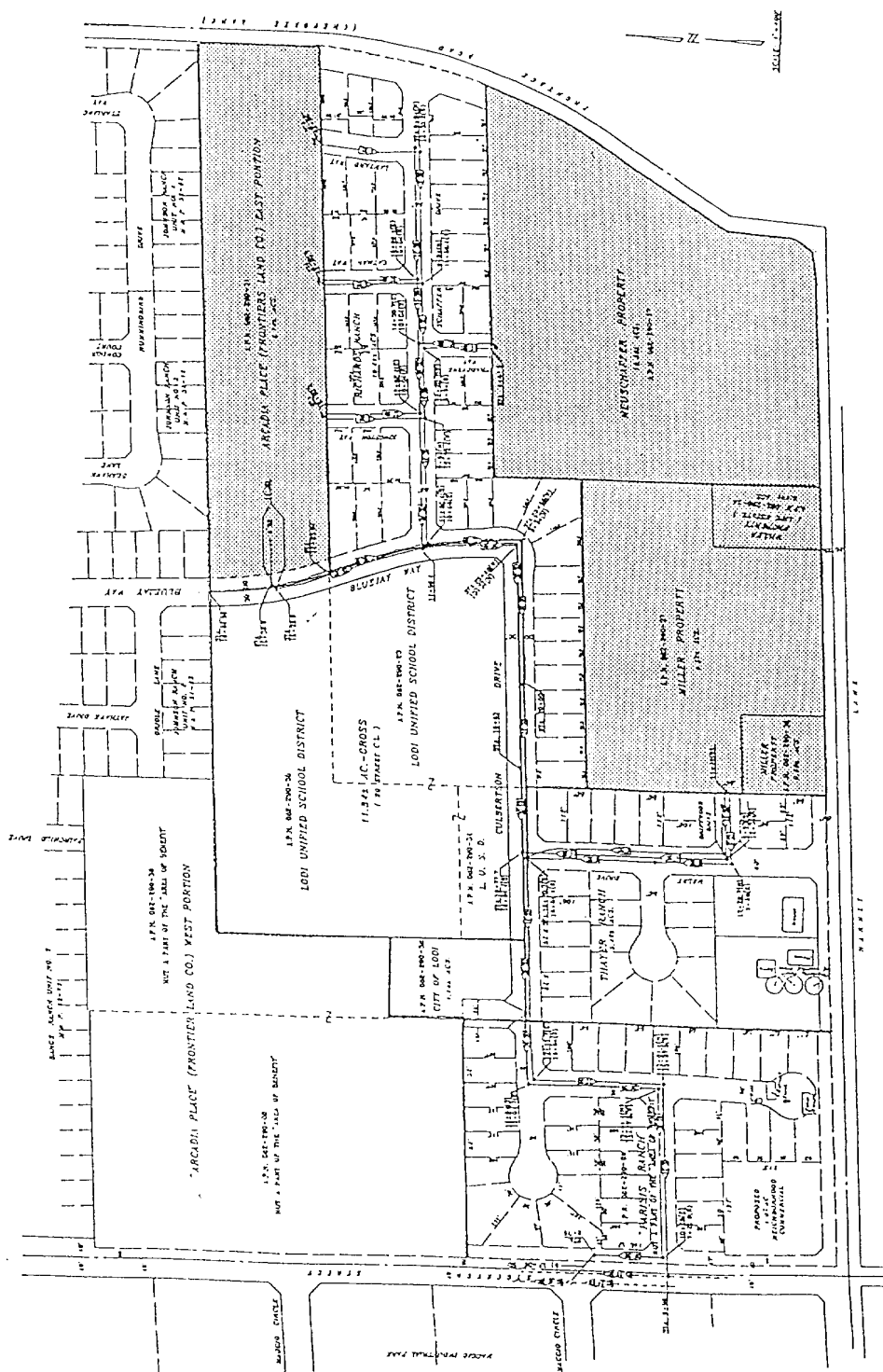
Date

APPROVED AS TO FORM:

Randall A. Hays, City Attorney



REIMBURSEMENT AGREEMENT RA-02-01



City of Lodi
Public Works Department

Cost Estimate for Richards Ranch/Thayer Ranch
Reimbursement Agreement

Development: Richards/Thayer Ranch
Developer: Park Place Development, LLC
Engineer: Baumbach & Piazza

Cost of Reimbursable Improvements for: **RICHARDS RANCH**

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Arcadia Place</u> <u>APN 062-290-31</u>	<u>Neuschaffer Property</u> <u>APN 062-290-17</u>
<u>Street System</u>						
1	Clearing	0.15	AC	\$500.00	\$75.00	\$0.00
2	Roadway Excavation	265	CY	\$4.75	\$1,258.75	\$0.00
3	Compact Original Ground	5325	S F	\$0.09	\$479.25	\$0.00
4	Aggregate Base CI II (0.40')	5325	S F	\$0.44	\$2,343.00	\$0.00
5	Asphalt Concrete (0.25')	5325	S F	\$0.70	\$3,727.50	\$0.00
6	Vertical Curb & Gutter	178	L F	\$13.00	\$2,314.00	\$0.00
7	Concrete Subgrade compaction	445	S F	\$0.32	\$142.40	\$0.00
8	Sawcut & Remove Existing Pavement	40	S F	\$1.50	\$60.00	\$0.00
9	0.25' A.C. Patch Pave	40	S F	\$2.40	\$96.00	\$0.00
10	Remove Existing Fence Barricade	0.5	EA	\$200.00	\$100.00	\$0.00
11	6" Asphalt Concrete Dyke	87	L F	\$6.00	\$522.00	\$0.00
12	Street Lights	1	EA	\$1,900.00	<u>\$1,900.00</u>	<u>\$0.00</u>
				Sub total	\$13,017.90	\$0.00
<u>Storm Drain System</u>						
1	30" SD Oversizing(Arcadia@39.6%, Neuschaffer@60.4%)	849	L F	\$6.00	\$2,017.22	\$3,076.78
2	24" SD Oversizing(Arcadia@39.6%, Neuschaffer@60.4%)	426	L F	\$6.00	\$1,012.18	\$1,543.82
3	15" SD	164.5	L F	\$24.00	\$3,948.00	\$0.00
4	12" SD Lateral	92	L F	\$23.00	\$2,116.00	\$0.00
5	12" SD(KingstonWay and CaymanWay	396	L F	\$23.00	\$9,108.00	\$0.00
6	48" SD Manhole @ 50%	0.5	EA	\$1,500.00	\$750.00	\$0.00
7	21" SD	145.0	L F	\$29.00	<u>\$0.00</u>	<u>\$4,205.00</u>
				Sub total	\$18,951.40	\$8,825.60

EXHIBIT B1

Item	Description	Quantity	Unit	Price	Arcadia Place APN 062-290-31	Neuschaffer Property APN 062-290-17
<u>Sanitary Sewer System</u>						
1	12" SS Oversizing(Arcadia@17.16%,Neuschaffer@26.18%)	912	L F	\$12.00	\$1,877.99	\$2,865.14
2	10" SS Oversizing(Arcadia@39.60%,Neuschaffer@60.4%)	414	L F	\$2.00	\$327.89	\$500.11
3	8" SS (Bluejay Extention)	68.5	L F	\$12.00	\$822.00	\$0.00
4	6" SS stub to Property	33	L F	\$11.00	\$363.00	\$0.00
5	SS Manhole @ 50%	0.5	EA	\$1,500.00	\$750.00	\$0.00
6	Oversizing 8" SS to 10" SS	135	L F	\$2.00	<u>\$0.00</u>	<u>\$270.00</u>
Sub total					\$4,140.88	\$3,635.25
<u>Water System</u>						
1	Std 8" Water(236 LF@ 50%)	118	L F	\$18.00	\$2,124.00	\$0.00
2	8" Water, Cl. 200 Pipe	52	L F	\$24.00	\$1,248.00	\$0.00
3	8" Valve	2	EA	\$800.00	\$1,600.00	\$0.00
4	Temporary Blowoff	1	EA	\$375.00	\$375.00	\$0.00
5	Pipe Marker	2	EA	\$75.00	\$150.00	\$0.00
6	Remove Blowoff	0.5	EA	\$150.00	<u>\$75.00</u>	<u>\$0.00</u>
Sub total					\$5,572.00	\$0.00
Total Reimbursable Improvement Costs					\$41,682.18	\$12,460.85
10% Engineering & Administration					\$4,168.22	\$1,246.09
Engineering Plan Check Fee (1.5%)					\$625.23	\$186.91
Engineering Inspection Fee (2.5%)					\$1,042.05	\$311.52
Reimbursement Application Fee (1%)					\$416.82	\$124.61
Consultant Fee (SNG Associates) ⁽¹⁾					<u>\$4,788.63</u>	<u>\$1,431.56</u>
TOTAL REIMBURSABLE COSTS					\$52,723.13	\$15,761.53
Total Reimbursement for Richards Ranch from ALL Properties:					\$68,484.67	

⁽¹⁾ Reimbursable to City

City of Lodi
Public Works Department

Cost Estimate for Richards Ranch/Thayer Ranch
Reimbursement Agreement

Development: Thayer Ranch
Developer: Park Place Development, LLC
Engineer: Baumbach & Piazza

Cost of Reimbursable Improvements for: THAYER RANCH

Item	Description	Quantity	Unit	Price	Miller Property APN 062-290-38 (0.69 Ac)	Miller Property APN 062-290-14 & 37 (7.24 Ac)	Arcadia Place APN 062-290-31 (6.74 Ac)	Neuschaffer Property APN 062-290-17 (10.28 Ac)
<u>Storm Drainage System</u>								
1	18" Storm Drain (147 LF @ 8.70%)	147	L F	\$27.00	\$345.30	\$0.00	\$0.00	\$0.00
2	Oversizing 18" SD to 24"(428 LF @ 8.70%)	428	L F	\$5.00	\$186.18	\$0.00	\$0.00	\$0.00
3	18" Storm Drain (147 LF @ 91.30%)	147	L F	\$27.00	\$0.00	\$3,623.70	\$0.00	\$0.00
4	24" Storm Drain (428 LF @ 91.30%)	428	L F	\$5.00	<u>\$0.00</u>	<u>\$1,953.82</u>	<u>\$0.00</u>	<u>\$0.00</u>
Sub total					\$531.48	\$5,577.52	\$0.00	\$0.00
<u>Sanitary Sewer System</u>								
1	Fair Share of 12" SS Oversizing (\$17,952) (Prorated based on area of benefit)				\$235.17 <u>(\$17,952 @ 1.31%)</u>	\$2,470.20 <u>(\$17,952 @ 13.76%)</u>	\$2,299.65 <u>(\$17,952 @ 12.81%)</u>	\$3,507.82 <u>(\$17,952 @ 19.54%)</u>
Sub total					\$235.17	\$2,470.20	\$2,299.65	\$3,507.82
Total Reimbursable Improvement Cost					\$766.65	\$8,047.72	\$2,299.65	\$3,507.82
10% Engineering & Administration					\$76.67	\$804.77	\$229.97	\$350.78
Engineering Plan Check Fee (1.5%)					\$11.50	\$120.72	\$34.49	\$52.62
Engineering Inspection Fee (2.5%)					\$19.17	\$201.19	\$57.49	\$87.70
Reimbursement Application Fee (1%)					\$7.67	\$80.48	\$23.00	\$35.08
Consultant Fee (SNG Associates) ⁽¹⁾					<u>\$88.08</u>	<u>\$924.56</u>	<u>\$264.19</u>	<u>\$402.99</u>
Total Reimbursable Cost					\$969.74	\$10,179.44	\$2,908.79	\$4,436.99
Total Reimbursement for Thayer Ranch from ALL Properties:							\$18,494.96	

⁽¹⁾ Reimbursable to City

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

February 28, 2002

Park Place Development
P. O. Box 1598
Lodi, CA 95241

Lodi Building Partners III, L.P.
c/o Frontiers
2375 West March Lane
Stockton, CA 95207

Donald and Nancy Miller
4071 East Harney Lane
Lodi, CA 95240

Robert W. Neuschaeffer, et al.
1024 Saratoga
San Jose, CA 95129

A. and L. Reimche, Life Estate
4219 East Harney Lane
Lodi, CA 95240

SUBJECT: Set Public Hearing for April 3, 2002, to Consider Reimbursement Agreement #RA-02-01 for Public Improvements for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850

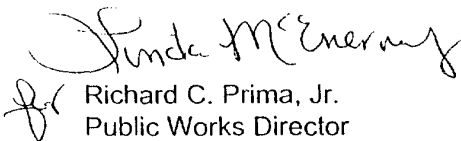
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, March 6, 2002. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

As indicated in the title, the only action will be to set a public hearing date on the item. Public hearings are usually set for the second following Council Meeting.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Senior Civil Engineer, at (209) 333-6800, ext. 2659.


Richard C. Prima, Jr.
Public Works Director

RCP/lm

Enclosure

cc: City Clerk

NCSETPHREIMBAGREE0201



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: SET PUBLIC HEARING FOR APRIL 3, 2002 to consider
Reimbursement Agreement #RA-02-01 for Public Improvements for Richards
Ranch, Tract 2636, and Thayer Ranch, Tract 2850

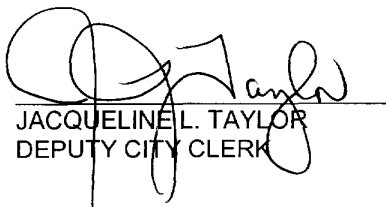
PUBLISH DATE: Saturday, March 9, 2002

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MARCH 7, 2002

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at 2pm (time) on 3/7/02 (date) 2 (pages)
Kelsey _____ Phoned to confirm receipt of all pages at _____ (time) J Jac _____ Jen (initials)



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 3, 2002

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, April 3, 2002** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Reimbursement Agreement #RA-02-01 for Public Improvements for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850.

A copy of the proposed Reimbursement Agreement #RA-02-01 and exhibits (approximately nine pages) is available for review by the public in the Public Works Department, the City Clerk's Office and the Lodi Library.

Information regarding this item may be obtained in the office of the Public Works Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

A handwritten signature in cursive script that reads "Susan J. Blackston".

Susan J. Blackston
City Clerk

Dated: March 6, 2002

Approved as to form:

A handwritten signature in cursive script that reads "Randall A. Hays".

Randall A. Hays
City Attorney